

# PLANNING COMMISSION MINUTES

December 20, 2000

## CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:08 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Sharon Dunham, Chuck Heckman and Eric Johansen. Planning Commissioners Brian Lynott and Vlad Voytilla were excused.

Senior Planner John Osterberg, Associate Planner Jeff Salvon, Traffic Engineer Sean Morrison, City Attorney Bill Sheiderich and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

## VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATIONS:

On question, staff indicated there were no staff communications at this time.

## MISCELLANEOUS BUSINESS:

Expressing his appreciation and compliments to Commissioner Dunham for her involvement in neighborhood and citizen input, Chairman Maks said goodbye to Commissioner Dunham, who is attending her last meeting in the capacity of a Planning Commissioner. Observing that she had always been well prepared, he commented that he is certain that she will continue to be involved with the community.

Commissioner Dunham expressed her appreciation of Chairman Maks' comments.

1 Commissioner Heckman advised Commissioner Dunham that he would miss her,  
2 and particularly her proofreading skills.

3  
4 Commissioner Johansen observed that he would miss Commissioner Dunham.

5  
6 Commissioner Dunham expressed her appreciation of her fellow Planning  
7 Commissioners, emphasizing that she is not leaving the City, but continuing her  
8 involvement with land use issues through the Committee for Citizen Involvement.

9  
10 Commissioner Heckman read a prepared statement reflecting the efforts and  
11 accomplishments of the Planning Commission throughout the year 2000.

12  
13 Commissioner Heckman **MOVED** and Commissioner Maks **SECONDED** a  
14 motion that Commissioner Voytilla be nominated to serve as Chairman of the  
15 Planning Commission for the year 2001.

16  
17 Chairman Maks commented that he has aged 27 years during his four years of  
18 serving in the capacity of Chairman.

19  
20 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a  
21 motion that Commissioner Maks be nominated to serve as Vice-Chairman of the  
22 Planning Commission for the year 2001.

23  
24 On question, no other nominations were submitted.

25  
26 Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a  
27 motion that the nominations be closed and nominees be elected by acclamation.

28  
29 Motion **CARRIED**, unanimously.

30  
31 7:16 p.m. – Commissioner Barnard arrived.

32  
33 **OLD BUSINESS:**

34  
35 Chairman Maks opened the Public Hearing and read the format for Public  
36 Hearings. There were no disqualifications of the Planning Commission members.  
37 No one in the audience challenged the right of any Commissioner to hear any of  
38 the agenda items, to participate in the hearing or requested that the hearing be  
39 postponed to a later date. He asked if there were any ex parte contact, conflict of  
40 interest or disqualifications in any of the hearings on the agenda. There was no  
41 response.

42  
43 **CONTINUANCES:**

44

1     **A. CONNOR COMMONS COMPREHENSIVE PLAN AMENDMENT AND**  
2     **REZONE**

3     *(Continued from December 6, 2000)*

4     The following land use applications have been submitted for a Comprehensive  
5     Plan Amendment and Zone Change of two parcels located north of SW Walker  
6     Road and east of SW 150th Avenue at 430 and 450 SW 150th Avenue. The  
7     applicant requests a Comprehensive Plan Amendment from its current  
8     Comprehensive Plan designation of Urban Standard Residential to Urban Medium  
9     Residential and a zone change of these parcels from its current zoning of Urban  
10    Standard Density (R-7) to Urban Medium Density (R-2). The development  
11    proposal is located on Washington County Assessor's Map 1S105AD on Tax Lots  
12    5905 and 6000. The two parcels are approximately 3.6 acres in size.

13  
14    1. **CPA2000-0008: Comprehensive Plan Amendment**

15       Request for approval to modify the existing Comprehensive Plan designation  
16       from Urban Standard Residential to Urban Medium Residential.

17  
18    2. **RZ2000-0010: Zone Change**

19       Request for approval to modify the existing zoning designation from Urban  
20       Standard Density (R-7) to Urban Medium Density (R-2).

21  
22    On question, Senior Planner John Osterberg informed Chairman Maks that no  
23    film of the site is available.

24  
25    On question, all Planning Commissioners indicated that they had visited the site  
26    and that no personal contact was made.

27  
28    Mr. Osterberg presented the Staff Reports and described the applications for a  
29    Comprehensive Plan Amendment (CPA) and a rezone regarding the same  
30    property. He pointed out that although Connor Commons refers to a  
31    development, there is no specific development plan at this time with regard to  
32    either the CPA or the rezone. He summarized the application, observing that the  
33    proposal is to change the Comprehensive Plan designation from Urban Standard  
34    Residential to Urban Medium Residential and to modify the existing zoning  
35    designation from Urban Standard Density (R-7) to Urban Medium Density (R-2).  
36    Concluding, he recommended approval of both applications, under one Condition  
37    of Approval, and offered to respond to any comments or questions.

38  
39    Commissioner Heckman questioned why Mr. Osterberg had included the same  
40    Condition of Approval in both applications.

41  
42    Mr. Osterberg advised Commissioner Heckman that the criteria that supports the  
43    need for this Condition of Approval for the necessary future improvement are  
44    found in both applications.  
45

1 Commissioner Heckman questioned whether the north boundary of this property  
2 is the city limits.

3  
4 Mr. Osterberg informed Commissioner Heckman that the city limits are the north  
5 boundary of this property.

6  
7 Chairman Maks questioned the size of the site.

8  
9 Mr. Osterberg advised Chairman Maks that the site is 3.51 acres.

10  
11 Chairman Maks discussed the density requirements, specifically which other  
12 zones would be appropriate.

13  
14 Mr. Osterberg advised Chairman Maks that any of the three Urban Medium  
15 Density designations would allow for the required density.

16  
17 On question, Mr. Osterberg advised Chairman Maks that the maximum height  
18 allowed in an R-7 zoning designation without a CUP is thirty feet, and that the  
19 maximum height allowed in an R-2 zoning designation without a CUP is thirty  
20 feet.

21  
22 On question, Mr. Osterberg advised Chairman Maks that the rear setback  
23 requirement in an R-7 zoning designation is twenty-five feet, and that the rear  
24 setback requirement in an R-2 zoning designation is twenty feet.

25  
26 Chairman Maks questioned whether staff has any concern with the incremental  
27 effects on the transportation system, specifically with the regional goal of  
28 increasing density while the City of Beaverton has no control over the roadway.

29  
30 Mr. Osterberg advised Chairman Maks that staff does have concerns with  
31 potential traffic increases, particularly on Walker Road, noting that Walker Road  
32 is anticipated to be at level of service "F" in the year 2020.

33  
34 Chairman Maks questioned the design capacity of Walker Road, specifically the  
35 number of vehicles this facility is capable of handling.

36  
37 Transportation Engineer Sean Morrison advised Chairman Maks that based on the  
38 Highway Capacity Manual, under ideal conditions, only 2,400 vehicles could  
39 travel per lane per hour on Interstate 5. He explained that while there are no  
40 actual volume limitations imposed on arterial streets, arterial streets are designed  
41 to carry a large number of vehicles throughout most of a day. Noting that 1,000  
42 to 5,000 vehicles per day would be average for a collector street, 10,000 plus  
43 would be his guess for the capacity of an arterial street.

44  
45 Chairman Maks referred to page 20 of the CPA Staff Report, specifically the  
46 Facts and Findings, noting that the applicant's statement indicates that the

1 contemplated future development of the site would create a transition between  
2 abutting multi-family and single family uses in the area. He questioned the  
3 transition between the R-7 and R-2 zoning designations.  
4

5 Mr. Osterberg clarified that staff is not suggesting that the R-2 provides a  
6 transitional zone, adding that the applicant's written statement references how  
7 they view the site and future development with a certain type of housing style.  
8

9 Commissioner Johansen observed that the ability of an R-2 zoning designation to  
10 serve as a transitional zone has been diminished due to density requirements.  
11

12 Mr. Osterberg commented that it is appropriate to consider the concept of  
13 minimum density, emphasizing that any calculation is not possible until a specific  
14 development proposal has been submitted.  
15

16 Commissioner Johansen noted that he is thinking more generically, pointing out  
17 that the minimum density is still a factor. He questioned the availability of any  
18 undeveloped R-7 property.  
19

20 Chairman Maks noted that standard operating procedures need to be established  
21 for rezones.  
22

23 Mr. Osterberg pointed out that he anticipates that application forms would be  
24 revised in the near future, possibly as soon as January 2001. He noted that there  
25 is no information in the Zell Report that discusses the market for single family  
26 residential in any sort of detail.  
27

28 Commissioner Dunham requested clarification of whether the rear setback goes  
29 from 25 to 15 feet.  
30

31 Mr. Osterberg verified that this information should be included in the Rezone  
32 Staff Report.  
33

34 Commissioner Dunham referred to new information received from Pat Russell,  
35 specifically that R-4 involves the issue of compatibility and maximum height.  
36

37 Chairman Maks commented that it is premature to bring this up at this time,  
38 requesting that Commissioner Dunham focus on the present application.  
39

40 Commissioner Dunham questioned the affect, if any, of the split in the property,  
41 between corridor and inner neighborhood.  
42

43 Mr. Osterberg advised Commissioner Dunham that staff has not considered this to  
44 any great extent.  
45

1 Commissioner Dunham pointed out that the worst case scenario had originally  
2 involved 45 townhomes, adding that the maximum allowable units in the  
3 Lancaster Report had indicated 60 units and then 76 units.

4  
5 Mr. Osterberg advised Commissioner Dunham that while the applicant has  
6 described their plans for a 45-unit development, the Lancaster Report does refer  
7 to a maximum of 76 units.

8  
9 Chairman Maks pointed out that it is necessary to clarify the number of units  
10 necessary to fulfill minimum density requirements, observing that the minimum  
11 density requirements of 80% would require 60 units, rather than 45 units.

12  
13 Mr. Osterberg commented that it is worthwhile to realize that minimum density is  
14 a required consideration.

15  
16 Mr. Morrison reminded the Planning Commissioners that any calculation of  
17 minimum density would occur following the installation of necessary roads and  
18 water quality facilities.

19  
20 Commissioner Heckman pointed out that if this application is approved at an R-2  
21 zoning designation, the current traffic density information would be applicable for  
22 a much lower density than the maximum that could be placed on the property.

23  
24 Chairman Maks commented that it is necessary for the applicant to provide  
25 further information.

26  
27 **APPLICANT:**

28  
29 **KIRSTEN VanLOO**, representing Consulting Engineering Services, referred to  
30 confusion regarding certain concerns, pointing out that the applicant intends to  
31 obtain a CPA and zone change for the purpose of developing this property inside  
32 the Urban Growth Boundary into a townhouse subdivision. Observing that the  
33 property had previously been located within the boundaries of unincorporated  
34 Washington County, she noted that any development of this land required  
35 annexation into the City of Beaverton. She emphasized the necessity of providing  
36 a variety of housing options, commenting that not everyone can own a detached  
37 single-family residence on 10,000 square feet of property. She discussed the  
38 availability of shopping and other necessities within walking distance or easy  
39 transit distance of the proposed site. She described the shape of the property as a  
40 bizarre polygon and discussed features that severely restrict development options.  
41 She discussed the twofold purpose of the application and unique challenges  
42 encountered in the proposal and her client's desire to construct a townhouse  
43 development on his property without the additional burden of a Planned Unit  
44 Development (PUD) requirement or a Conditional Use Permit (CUP). She  
45 pointed out that this particular parcel already has a dedicated open space, referring  
46 to this area on an illustration. Concluding, she complimented staff for a well-

1 prepared Staff Report, recommended approval of both applications and offered to  
2 respond to any questions or comments.

3

4 Chairman Maks questioned which CUP or PUD criterion necessitates setting  
5 aside a certain amount of open space.

6

7 Ms. VanLoo clarified that in order to locate row house development and vary  
8 minimum lot size in any zone less intense than R-2, it is necessary to obtain a  
9 PUD.

10

11 Chairman Maks discussed the transfer of density within a CUP and a PUD,  
12 observing that this strategy is often utilized because it is innovative and allows the  
13 ability to control adjacent zones.

14

15 Ms. VanLoo agreed with Chairman Maks.

16

17 Chairman Maks questioned specifically how the applicant views what they refer  
18 to as a buffer between higher density apartments and lower density subdivisions.

19

20 Ms. VanLoo explained that the applicant considers this a buffer parcel because to  
21 the south of this property, there are true apartment development, while to the  
22 north of this property, there is a traditional subdivision, approximately 25 years  
23 old, developed and platted in Washington County. She referred to this piece of  
24 property as the chunk betwixt the two, emphasizing that as a planner, she feels  
25 that there needs to be some sort of a transition between the apartments and the  
26 subdivision. She pointed out that as a project planner, she anticipates the  
27 potential for the development of 45 to 60 units on this property, while still  
28 providing all necessary public infrastructure. On question, she advised Chairman  
29 Maks that the applicant's Traffic Engineer is not available, adding that she does  
30 not believe that any Traffic Engineer is present at this time.

31

32 Chairman Maks questioned how soon a change in the level of service would  
33 occur, with a maximum build out of this land, emphasizing that the delay is based  
34 upon the level of service which is determined by the number of cars traveling in  
35 all directions.

36

37 Ms. VanLoo requested that Mr. Morrison clarify the level of delay at this  
38 intersection, specifically relating to level of service "D".

39

40 Mr. Morrison advised Ms. VanLoo that the delay for level of service "D" is 35 to  
41 55 seconds.

42

43 Ms. VanLoo observed that this information is available in Mr. Lancaster's reports.

44

1 Chairman Maks referred to page 16, and requested verification that it is a rule of  
2 thumb that the approximate average daily number of trips could be determined by  
3 multiplying the p.m. peak by ten.  
4

5 Ms. VanLoo advised Chairman Maks that she utilizes the ITE Manual.  
6

7 Mr. Morrison advised Chairman Maks that this method is a way to approximate  
8 the average daily number of trips.  
9

10 On question, Ms. VanLoo advised Chairman Maks that while she knows the  
11 average number of daily trips that is expected on local and collector streets, she  
12 does not have these figures for Washington County arterials.  
13

14 Chairman Maks referred to the letter from Lancaster to Mr. Osterberg, dated  
15 November 6, 2000, page 2, specifically the number of vehicles that should be  
16 traveling on that road way according to the rule of thumb, which he described as  
17 absolutely phenomenal with regard to the design of the roadway.  
18

19 Commissioner Heckman referred to the high-pressure gas line that is located five  
20 feet from the property line, requesting clarification of how close to this line,  
21 including hardscape, the applicant could build.  
22

23 Ms. VanLoo assured Commissioner Heckman that the gas line is protected by a  
24 15-foot easement.  
25

26 Commissioner Heckman how significantly this easement would curtail the  
27 buildable lands available to the applicant.  
28

29 Observing that this necessitates a 15-foot minimum setback on the property line,  
30 Ms. VanLoo pointed out that the applicant actually intends a greater setback. She  
31 pointed out that the greatest restraint involves the ability to extend any water  
32 quality facility into the BPA right-of-way. She noted that there are provisions for  
33 opportunities for development to utilize portions of the BPA right-of-way  
34 easements for certain softscape built environment, one of which is water quality  
35 facilities, which has no specific impact upon the maintenance of the lines.  
36

37 Commissioner Heckman questioned the size of the frontage on 150<sup>th</sup> Avenue.  
38

39 Ms. VanLoo advised Commissioner Heckman that the public right-of-way  
40 frontage on 150<sup>th</sup> Avenue is approximately 100 feet.  
41

42 Commissioner Heckman commented that this should create no impediment to the  
43 construction of any unique development or structures.  
44



1 Ms. VanLoo expressed her disagreement, observing that the applicant would have  
2 to provide 42 feet of public right-of-way out of the 100 feet of frontage, adding  
3 that this reduces the usable land.  
4

5 Commissioner Heckman advised Ms. VanLoo that he had confidence in her  
6 ingenuity and ability to accomplish this goal. He expressed concern with the  
7 possibility that a future purchaser could increase the density if the R-2 is approved  
8 at this time.  
9

10 Ms. VanLoo expressed her opinion that it would be necessary, at some point, to  
11 discuss density, adding that although this is obviously the decision of the Planning  
12 Commission, it is her job to remind them that pure numbers are only pure  
13 numbers. She mentioned that the Development Code provides for vehicular  
14 access, parking, water quality facilities, pedestrian circulation, utilities and a  
15 maximum height limit of 35 feet. She emphasized that a certain amount of land  
16 for circulation is required by this code and that this land has to be extracted from  
17 the total site before calculating the density, adding that in her opinion, 60 units is  
18 far more realistic than 76 units.  
19

20 Chairman Maks commented that while 60 units is obviously more feasible, 76  
21 units could be located on that site through the development application process.  
22

23 Ms. VanLoo agreed, observing that land development is a constantly changing  
24 science and that 76 units would require a most imaginative application and a  
25 parking reduction variance. She emphasized that a property owner has to start his  
26 dream somewhere, pointing out that this property was not located in the City of  
27 Beaverton at the particular time that it was purchased by Genesis Development,  
28 who had to make a series of choices. Noting that this application is the next step  
29 in the process towards achieving the desired end result, she mentioned that it is  
30 not possible to accomplish the entire package in one application. She stressed that  
31 the applicant owns the property, is not here on speculation and has a vested  
32 interest in the project.  
33

34 Chairman Maks advised Ms. VanLoo that as long as the applicant follows the  
35 process that has been established, he would not argue with the end result.  
36

37 Commissioner Johansen questioned when this particular intersection at Walker  
38 Road would fail if the proposed seven-lane improvement is not completed.  
39

40 On question, Mr. Morrison advised Ms. VanLoo that he does not have this  
41 particular information available because it had not been included in the applicant's  
42 traffic analysis.  
43

44 Commissioner Johansen questioned what the headways are, with respect to the  
45 availability of public services, particularly transit services.  
46

1 Ms. VanLoo advised Commissioner Johansen that there is a half-hour headway  
2 during morning and evening peak hours, Monday through Friday.

3  
4 Commissioner Johansen observed that Saturday and Sunday services probably  
5 involve more than thirty minutes.

6  
7 On question, Ms. VanLoo advised Commissioner Johansen that she does agree  
8 that there is a demand for R-7 land throughout urban Washington County and that  
9 she has no knowledge of what she considers particularly accurate inventory of  
10 such property. She emphasized that there are not very many vacant, available and  
11 undeveloped R-7 lots within the City of Beaverton, pointing out that these lots  
12 will no longer be allowed in Washington County because of density requirements.  
13 She pointed out that the average detached single-family lot being platted in  
14 unincorporated Washington County at this time is 4,500 square feet, adding that it  
15 is not feasible to meet density requirements with 7,000 square foot lots.

16  
17 Commissioner Johansen observed that while the Planning Commission is being  
18 requested to change from one zone to another, the long-range needs of the City of  
19 Beaverton need to be considered, which includes providing a variety of lot sizes.

20  
21 Referring to the potential public need for R-7 (7,000 square foot) lots versus R-5  
22 (5,000 square foot) lots, Ms. VanLoo pointed out that the price of property,  
23 development, permits and applications would create lots that would have to be  
24 priced at \$80,000. She explained that a \$160,000 home would result in a  
25 mortgage of \$250,000, which is not affordable housing, emphasizing that people  
26 would not pay over a quarter of a million dollars to live right off of Walker Road.

27  
28 Commissioner Johansen agreed that this is not affordable housing.

29  
30 Ms. VanLoo emphasized that affordability is a major criterion, as well as  
31 providing a full range of services and options for a residence and job  
32 opportunities.

33  
34 Commissioner Dunham referred to the identification of the gas line with the 15-  
35 foot easement that runs seemingly parallel to the BPA right of way, specifically  
36 whether this would make the Condition of Approval that is included on both  
37 applications more difficult to fulfill.

38  
39 Ms. VanLoo advised Commissioner Dunham that she anticipates no problem with  
40 this particular Condition of Approval.

41  
42 Chairman Maks referred to the Transportation Plan for Washington County,  
43 specifically questioning the designation for Walker Road.

44  
45 Ms. VanLoo advised Chairman Maks that Walker Road is designated as a minor  
46 arterial street with five lanes.

Chairman Maks commented that although the TSP is being redone, Walker Road is not now designated, nor funded, as a seven lane arterial street.

8:53 p.m. to 9:02 p.m. -- break

**PUBLIC TESTIMONY:**

Observing that public testimony would be limited to five minutes, Chairman Maks cautioned those who wish to testify to stay on point.

**JOCELYN BIRO** indicated the location of her home on the map, observing that she is a planner for the US Forest Service and appreciates the complexity of sorting through all of the issues. Expressing her opinion that the Staff Reports and general information are very confusing, she referred to the issue as a moving target, adding that it is necessary to nail down and study the impact of this proposal. She commented that the traffic study is flawed, observing that their study is based on 60 units, while page 16 of their study refers to development that could occur with a single residential unit of 15, equating that to 15 single visits in 15 single households. She questioned that there is only a 17-visit increase with the proposed zone change, emphasizing that she does not understand this logic. She pointed out that she does not agree with peak hours and that the traffic analysis is not complete. She described a discussion with Mr. Osterberg, addressing the requirements for PUDs and CUPs, expressing her opinion that he is making an assumption on knowledge on a development that is not even under consideration at this time. She referenced the zoning change on page 22, specifically designation of a pathway connection, which would be required in a Condition of Approval. She referred to page 24, specifically another Condition of Approval having a pathway, expressing her opinion that staff's only concern involves having some type of walkway to access the school. She discussed variances, height limits, screening and landscape design, all of which should be addressed in a review process, adding that it is not clear when a PUD or a CUP is required. She mentioned that she is not comfortable that the design reviews will occur, noting that there appears to be some wiggle room involved. She referred to Ms. VanLoo's comment that the applicant had requested the R-2 designation in order to avoid a PUD or a CUP. Referring to page 14 of the Staff Report, specifically the comment regarding underutilized property, questioning in whose mind this property is underutilized. She questioned whether the City of Beaverton has determined that this property is best developed as high-density housing. She submitted petition from local residents unable to attend this meeting and read a letter expressing opposition to both the proposed CPA and rezone, urging the Planning Commission not to approve these applications.

Chairman Maks advised Ms. Biro that in the future, she should submit copies of any written testimony prior to the meeting and questioned her disagreement with the traffic analysis.

1 Ms. Biro expressed her opinion that the traffic analysis does not provide a true  
2 indication of the actual traffic patterns in the area.

3  
4 Chairman Maks observed that if Ms. Biro is correct, there is even less of an  
5 impact at this particular intersection.

6  
7 Ms. Biro explained that people are already disturbed over the amount of traffic  
8 and congestion and attempting to find different access routes in their efforts to  
9 avoid the intersection at Walker Road and 150<sup>th</sup> Avenue, emphasizing that the  
10 proposed gas station would only compound this problem.

11  
12 Chairman Maks expressed his appreciation of Ms. Biro's efforts and referred to  
13 page 32 of Rezone Staff Report, observing that if the rezone is approved, certain  
14 permitted uses would be allowed outright. He advised her that it would become  
15 necessary, however, to go through the Board of Design Review process, at which  
16 time other considerations would be addressed. Referring to Ms. Biro's comment  
17 that she does not want any multi-story development at this location, he informed  
18 her that multi-story development is allowed in an R-7 zone.

19  
20 Ms. Biro clarified that she had intended to express opposition to multi-unit, rather  
21 than multi-story, development. On question, she informed Chairman Maks that  
22 the children in her neighborhood both walk and ride the bus to school.

23  
24 Observing that Washington County is famous for the lack of sidewalks, Chairman  
25 Maks commented that busing students is based upon safe walking distance.

26  
27 Commissioner Johansen questioned the utilization of the Pioneer/150<sup>th</sup> Avenue  
28 route to cut from Murray Road to Walker Road.

29  
30 Ms. Biro advised Commissioner Johansen that her experience at this particular  
31 intersection only involves traveling to her residence, observing that she is never  
32 able to turn right onto 150<sup>th</sup> Avenue off of Walker Road.

33  
34 Chairman Maks clarified that the information indicating only 17 more trips for 60  
35 units only addresses the p.m. peak period, explained that single-family residences  
36 have more children and generate more trips, and expressed his appreciation of Ms.  
37 Biro's efforts and testimony.

38  
39 **RICHARD OSBORN** indicated the location of his home on the map,  
40 emphasizing that the homes in the area are only 13 or 14 years old, rather than 25  
41 years old, as previously indicated. He expressed his opposition to changing the  
42 zoning, adding that although property owners should be able to develop their  
43 property, there are limits to what they should be able to do. He expressed his  
44 opinion that the proposal violates the ethics and sense of community, adding that  
45 there would be friction between the single and multi-family dwellings and that the  
46 additional vehicles would create additional problems. Observing that he realizes

1 that people have to live somewhere, he pointed out that it is not feasible to change  
2 the density without expanding the roads. He expressed his concern with the  
3 potential decrease in property values and the possibility of having to look up to a  
4 3-story row home, requesting that the rezone be denied.

5  
6 Commissioner Heckman pointed out that if density is not increased, people would  
7 have to travel increasingly far to get to work and other destinations.

8  
9 Mr. Osborn advised Commissioner Heckman that his main concern is with  
10 building these homes without providing the necessary facilities, such as roads.

11  
12 Observing that growth within an area does increase traffic, Commissioner  
13 Heckman assured Mr. Osborn that while he understands his concerns, it is  
14 necessary to accept some of the inconveniences that are associated with living in  
15 this area, emphasizing that substantially-sized lots are no longer available.

16  
17 Mr. Osborn expressed his opinion that 70 detached homes is not a transition.

18  
19 **CHARLES NYEHART** indicated the location of his home on the map,  
20 observing that while he is not opposed to development of the property, he is  
21 opposed to the proposed R-2 zoning designation. He expressed concern with  
22 traffic issues, including the lack of sidewalks and streetlights, adding that the  
23 Montessori School meetings create a big parking problem in the area. He  
24 discussed the efforts of local residents to travel throughout the area in order to  
25 reach their destinations and expressed concern with trees that would be damaged  
26 or removed.

27  
28 Chairman Maks advised Mr. Nyehart that the trees are not an issue with this  
29 particular application, urging him to testify with regard to the CPA and rezone.

30  
31 On question, Mr. Nyehart described for Chairman Maks the routes utilized by  
32 most of the residents to get into and out of the area, observing that traffic signals  
33 are not available on Murray Boulevard, with the exception of one located on  
34 Buckman.

35  
36 Chairman Maks questioned specifically which street Mr. Nyehart utilizes to turn  
37 off of to access Murray Boulevard.

38  
39 Mr. Nyhart advised Chairman Maks that he is not familiar with the specific name  
40 of the street he accesses to get onto Murray Boulevard, although he did describe  
41 the location of this unsignalized street. He pointed out that to the best of his  
42 knowledge, the average delay to access left onto Murray Boulevard in the a.m.  
43 peak period is one and a half to three minutes, while the right hand turning  
44 movement generally involves about a thirty second delay.

45

1 Chairman Maks referred to street "b", which is also unsignalized, and Mr. Nyhart  
2 advised him that the left hand turning movement delay is approximately two  
3 minutes, while the right hand turning movement delay is approximately thirty  
4 seconds or less.

5  
6 On question, Mr. Nyhart informed Commissioner Johansen that he did not feel  
7 that the scope of the traffic study was adequate.

8  
9 Commissioner Heckman questioned Mr. Nyhart's comment that he waits through  
10 three cycles at 150<sup>th</sup> Avenue and Walker Road at certain times.

11  
12 Mr. Nyhart advised Commissioner Heckman that he only has to wait through  
13 multiple cycles occasionally, and agreed that many individuals do not obey the  
14 traffic signals.

15  
16 Chairman Maks explained the concept of average delays involves all traffic  
17 traveling in all directions, adding that there are separate standards for unsignalized  
18 intersections.

19  
20 Mr. Nyhart pointed out that while reference has been made to \$130,000 homes,  
21 the homes to the north range from the \$180,000 to the \$250,000 range, adding  
22 that a real estate agent has advised him that these \$130,000 homes would  
23 definitely decrease the value of his home.

24  
25 Chairman Maks observed that he has a testimony card submitted by **DONNA**  
26 **RUSSELL** at the meeting on December 6, 2000, expressing her opposition to the  
27 proposed development, adding that she is not available to testify at this time.

28  
29 **APPLICANT REBUTTAL:**

30  
31 Ms. VanLoo expressed her appreciation of the support and testimony that has  
32 been submitted by the neighbors, emphasizing that the applicant had held a public  
33 neighborhood meeting although it was not required. She pointed out that all of  
34 the neighbors and property owners have been provided the opportunity to discuss  
35 this issue with the applicant, adding that to the best of her knowledge, she does  
36 not believe that anyone who testified this evening actually took advantage of the  
37 neighborhood meeting. She expressed her opinion that the traffic access report  
38 had been prepared by a licensed professional and meets all applicable submittal  
39 and approval criteria. She emphasized that this is not the final application for this  
40 piece of property, pointing out that issues such as the quantity and quality of units,  
41 building styles and heights and tree preservation would be addressed in future  
42 applications and that public involvement opportunities would be available at that  
43 time. Referring to concern with maintaining property values, she pointed out that  
44 there is no evidence that new development lessens the value of adjacent  
45 properties, adding that she believes that in most cases, the opposite is true. She  
46 commented that she appreciates concerns with traffic, agreeing that local traffic is

1 continuing to get worse, adding that she attributes this to children, jobs and a  
2 healthy economy, all of which support the Urban Growth Boundary. She pointed  
3 out the difficulty with maintaining the proper balance of jobs and housing in the  
4 area. Concluding, she offered to respond to questions or comments.

5

6 Commissioner Heckman referred to Ms. VanLoo's statement that new  
7 development does not devalue abutting properties, specifically whether she is  
8 referring to over a period of time or instantly.

9

10 Ms. VanLoo advised Commissioner Heckman that her comment referred to the  
11 short term effects, basically a three to five year period, pointing out that  
12 unequivocally new development, with the exception of Section 8 Housing, has a  
13 positive effect. She pointed out that there is always the potential for lack of  
14 management, lack of maintenance and bad fortune that could cause one or more  
15 properties in any neighborhood to lose value. She stated that although there are  
16 originally concerns with potential devaluation following new development,  
17 generally this does not occur and often property values increase.

18

19 Commissioner Dunham mentioned Chairman Maks' reference to her participation  
20 in neighborhood involvement and commended Ms. VanLoo for conducting a  
21 neighborhood meeting in spite of the fact that it was not a requirement.  
22 Expressing her opinion that the notes from this meeting were "spotty", she  
23 advised Ms. VanLoo that the notes did not provide much information for a  
24 meeting that lasted an hour and twenty minutes. She agreed that it is unfortunate  
25 that the Planning Commission does not see projects in their totality when the  
26 individual applications are presented.

27

28 On question, staff indicated that there were no further comments at this time.

29

30 Chairman Maks requested clarification of the height issue.

31

32 Mr. Osterberg advised Chairman Maks that the applicant had addressed the  
33 building height issue according to the Development Code, adding that the  
34 information is essentially correct. He clarified that both R-5 and R-7 zoning  
35 designations allow height up to 35 feet without a CUP, for buildings constructed  
36 on lots, either platted or annexed, after January 1, 1988, if they do not abut  
37 existing developed residential lots on two or more sides.

38

39 Commissioner Johansen referred to page 32 of the Rezone Staff Report,  
40 requesting clarification of permitted uses in the R-2 zoning designation,  
41 specifically whether they all require a Board of Design Review (BDR) Public  
42 Hearing.

43

44 Mr. Osterberg advised Commissioner Johansen that not all of the R-2 zoning  
45 designation permitted uses require a BDR Public Hearing, pointing out that  
46 neither a single family detached dwelling or a two family dwelling (duplex)

1 requires design review. All apartments or multi-family structures, with three or  
2 more dwellings and all others on this list of permitted uses would require design  
3 review, with the exception of accessory dwelling units.

4  
5 On question, Mr. Osterberg advised Commissioner Heckman that home  
6 occupations do not require design review.

7  
8 Commissioner Johansen referred to a two-unit townhouse, specifically whether  
9 this would require design review.

10  
11 Mr. Osterberg advised Commissioner Johansen that a single two-unit building,  
12 owned or rental, does not require design review, although a development of  
13 multiple two-unit buildings does require design review.

14  
15 Mr. Morrison clarified the issue regarding the proposed seven lanes on Walker  
16 Road, noting that he had discussed this with Margaret Middleton, who is the  
17 Transportation Division Senior Planner. She had informed him that on the City  
18 and County Transportation System Plans, that portion of Walker Road is defined  
19 as a five-lane arterial, although Washington County has modeled Walker Road  
20 through the year 2020, identifying a need for seven lanes. It is also identified on  
21 the Regional Transportation Plan (RTP) as seven lanes.

22  
23 Chairman Maks commented that the bottom line is that Walker Road is a  
24 Washington County facility and is currently identified as a five-lane arterial.

25  
26 On question, Mr. Sheiderich indicated that he had no comments at this time.

27  
28 The public portion of the Public Hearing was closed.

29  
30 Chairman Maks CPA pointed out that although no one wants anything next to  
31 them to change, the region has determined the need to increase density and that in  
32 his opinion while traffic is a concern, he is in support of the CPA, which complies  
33 with applicable criteria. He emphasized that he is not in support of the rezone,  
34 observing that while it is necessary to globally consider the needs of the City of  
35 Beaverton, he is a firm believer in transitional zoning. He expressed his opinion  
36 that R-2, in this particular instance, is not a transitional zone, adding that although  
37 he is in agreement with the necessity of increased density, the Comprehensive  
38 Plan provides that it is also necessary to respect our existing residential areas and  
39 the character of neighborhoods. He repeated that while he would support  
40 acceptance of the CPA, he would support denial of the rezone. He emphasized  
41 that the Planning Commission shall, following Public Hearing, approve or  
42 disapprove the request. If it appears to the Planning Commission that a proposal  
43 different from the one submitted should be considered, the Planning Commission  
44 shall remand the proposal to the Planning Director for review and resubmission at  
45 the next Planning Commission Meeting. He pointed out that three options are



1 available to the Planning Commission, as follows: 1) approval; 2) denial; or 3)  
2 denial without prejudice.

3  
4 Observing that this is a difficult development site, Commissioner Johansen  
5 emphasized that this site is still subject to the same criterion as any other site. He  
6 agreed that the site is reasonably well served by public services, with the  
7 exception of transportation, adding that there is no sufficient evidence to make a  
8 finding that public transportation services are adequate at this particular location.  
9 He referred to the Comprehensive Plan, observing that this intersection is  
10 expected to fail by the year 2020 and that there is no funding for the proposed  
11 five-lane improvement, much less a seven-lane improvement. He discussed the  
12 series of incremental increases, emphasizing that this has the same impact of one  
13 large development. Expressing his opinion that this proposal does not meet the  
14 criterion of Goal 12 or requirements regarding public need, he commented that he  
15 does not support either application.

16  
17 Commissioner Heckman expressed his opinion that although the CPA meets the  
18 applicable criteria, the rezone does not.

19  
20 Commissioner Barnard commented that he has a difficult time supporting either  
21 application, expressing his opinion that they do not meet applicable goals.

22  
23 Commissioner Dunham expressed her total agreement with Chairman Maks and  
24 Commissioner Heckman, observing that while the CPA narrowly meets the  
25 applicable criteria, R-2 is not a transitional zone and that she opposes the rezone.

26  
27 Commissioner Barnard advised Chairman Maks that he would support the CPA to  
28 Urban Medium.

29  
30 Chairman Maks explained the procedure for denying the applications without  
31 prejudice. He noted that if the applications are simply denied, no new request for  
32 the same or substantially similar proposal shall be filed within one year after the  
33 date of final denial unless the denial is specifically stated to be without prejudice.

34  
35 Commissioner Johansen expressed his opinion that in consideration of what he  
36 considers a fatal flaw, with respect to transportation, the issue is still there and it  
37 makes sense to deny the application outright.

38  
39 Commissioner Heckman expressed his opinion that the Planning Commission  
40 does not have any good grounds to remand this application.

41  
42 Chairman Maks explained that the application could be denied without prejudice  
43 and resubmitted, at which point the applicant could return in two weeks.

44

1 Commissioner Barnard observed that he would prefer to deny the applications  
2 without prejudice and allowing the applicant to determine what action he chooses  
3 to take.

4  
5 Chairman Maks pointed out that a denial without prejudice would require that the  
6 applicant start the application process from the beginning, including payment of  
7 the fees.

8  
9 Commissioner Dunham observed that the applicant would accumulate additional  
10 fees with either a simple denial or a denial without prejudice.

11  
12 Chairman Maks reminded the Planning Commissioners that a simple denial  
13 provides that the applicant could not resubmit a similar application for a year. He  
14 further explained that a denial without prejudice would allow the applicant to  
15 return with a similar proposal and start from scratch, although it would be  
16 necessary to pay all fees. He expressed his opinion that if the application is close  
17 to meeting approval, this might not be considered fair.

18  
19 10:38 p.m. to 10:46 p.m.-- break.

20  
21 Mr. Osterberg commented that the applicant has met with her client and briefly  
22 discussed the situation with staff, adding that she has requested that the Planning  
23 Commission consider reopening the Public Hearing briefly to address a change to  
24 their proposal for the rezone.

25  
26 Chairman Maks questioned whether the public is also allowed to comment on any  
27 different proposal submitted by the applicant.

28  
29 City Attorney Bill Scheiderich advised Chairman Maks that the public could  
30 request that the Public Hearing and public record be left open.

31  
32 Commissioner Heckman reminded those in attendance that new information could  
33 not be accepted after 10:00 p.m., adding that a new application would be  
34 necessary.

35  
36 Chairman Maks advised that he views this as a modification to the existing  
37 application, rather than a new application. He questioned whether his fellow  
38 Planning Commissioners would agree to reopen the Public Hearing for a period  
39 not to exceed three minutes for the purpose of allowing the applicant to briefly  
40 address a change to their proposal for a rezone.

41  
42 Commissioner Johansen questioned whether Mr. Osterberg would have prepared  
43 the same Staff Report for a request for a zoning designation other than R-2.

44  
45 Mr. Osterberg advised Commissioner Johansen that the Staff Reports and  
46 recommendation and findings would be the same except for one exception.

1  
2 Chairman Maks requested a motion to allow the Public Hearing to be reopened  
3 for three minutes. Receiving no such motion, he passed the gavel to  
4 Commissioner Johansen.

5  
6 Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a  
7 motion to reopen the Public Hearing for a period of three minutes to allow the  
8 applicant to briefly address a change to their proposal for a rezone.

9  
10 Commissioner Heckman called the question on the motion, which failed by the  
11 following roll call vote:

12  
13 Ayes: Barnard Nays: Dunham  
14 Maks Heckman  
15 Johansen  
16

17 Chairman Maks reclaimed the gavel from Commissioner Johansen.

18  
19 Commissioner Dunham **MOVED** and Commissioner Heckman **SECONDED** a  
20 motion to approve CPA 2000-0008 -- Connor Commons Comprehensive Plan  
21 Amendment, based upon the testimony, reports and exhibits presented during the  
22 Public Hearing on the matter and upon the background facts, findings and  
23 conclusions found in the Staff Report dated November 29, 2000, including  
24 Condition of Approval No. 1, and based upon this Public Hearing.

25  
26 Motion **CARRIED**, by the following roll call vote:

27  
28 Ayes: Barnard Nays: Johansen  
29 Dunham  
30 Heckman  
31 Maks  
32

33 Commissioner Dunham **MOVED** and Commissioner Heckman **SECONDED** a  
34 motion to deny, without prejudice, RZ 2000-0010 -- Connor Commons Rezone,  
35 based upon the testimony, reports and exhibits presented during the Public  
36 Hearing on the matter and upon the background facts, findings and conclusions  
37 found in the Staff Report dated November 29, 2000, including Condition of  
38 Approval No. 1 and based upon this Public Hearing, and specifically 3.4.2.1;  
39 3.4.2.8; 3.4.3.I; 3.4.3.K and 3.4.3.M, adding that the application does not meet  
40 this specific criteria.

41  
42 Mr. Osterberg observed that this listing of policies not met is not complete,  
43 adding that it had been determined that the requirements of Goal 12 had not been  
44 met.

45  
46 Commissioner Barnard referred to Goal 10 and 3.4.2.11.

1 Chairman Maks requested that Commissioner Dunham restate the motion,  
2 including the issues that the denial is based upon.

3  
4 Chairman Maks passed the gavel to Commissioner Johansen.

5  
6 Commissioner Heckman **MOVED** and Commissioner Barnard **SECONDED** a  
7 motion that to extend the 11:00 p.m. deadline until 11:10 p.m.

8  
9 Motion **CARRIED**, unanimously.

10  
11 Commissioner Heckman withdrew his second of Commissioner Dunham's  
12 original motion for the denial, without prejudice, of RZ 2000-0010 -- Connor  
13 Commons Rezone.

14  
15 Commissioner Maks **MOVED** and Commissioner Heckman **SECONDED**  
16 motion to deny, without prejudice, RZ 2000-0010 -- Connor Commons Rezone,  
17 based upon the testimony, reports and exhibits presented during the Public  
18 Hearing on the matter and upon the background facts, findings and conclusions  
19 found in the Staff Report dated November 29, 2000, including Condition of  
20 Approval No. 1 and based upon this Public Hearing, and based upon the facts that  
21 it fails to meet the criterion of Comprehensive Plan Policies 3.4.2.1; 3.4.2.8;  
22 3.4.3.I; 3.4.3.K; 3.4.3.M; and 3.4.2.11.

23  
24 Motion **CARRIED**, unanimously.

25  
26 Chairman Maks reclaimed the gavel from Commissioner Johansen.

27  
28 **B. CPA 2000-0009 -- HOUSING ELEMENT OF THE COMPREHENSIVE**  
29 **PLAN**

30 *(Continued from December 13, 2000)*

31 The proposed amendment responds to State Periodic Review Requirements,  
32 addresses Statewide Planning Goal 10 (Housing Needs) and proposes a new  
33 Housing Element for the Comprehensive Plan. Adoption of this element will  
34 establish a base of goals, policies and actions necessary to address Beaverton's  
35 housing needs.

36  
37 At the request of staff, Commissioner Johansen **MOVED** and Commissioner  
38 Barnard **SECONDED** a motion that CPA 2000-0009 -- Housing Element of the  
39 Comprehensive Plan be continued to a date certain of January 10, 2001.

40  
41 Motion **CARRIED**, unanimously.

42  
43 **APPROVAL OF MINUTES:**

44  
45 Chairman Maks observed that the minutes of the meeting of November 29, 2000,  
46 would be submitted for review and approval on January 10, 2001.

1 **MISCELLANEOUS BUSINESS:**

2

3 Commissioner Dunham expressed her appreciation to her fellow Planning  
4 Commissioners, assuring them that she had enjoyed serving with them in this  
5 capacity.

6

7 The meeting adjourned at 11:09 p.m.